JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

MAY 1 2 2005

FILED CLERK'S OFFICE

#### DOCKET NO. 1456

# BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

# IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

# (SEE ATTACHED SCHEDULE)

# CONDITIONAL TRANSFER ORDER (CTO-21)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.

MAY 3 1 2005

CLERK'S OFFICE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck Clerk of the Panel

# SCHEDULE CTO-21 - TAG-ALONG ACTIONS DOCKET NO. 1456 IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION

DIST. DIV. C.A. #	CASE CAPTION
NEW YORK NORTHERN	
NYN 1 05-408	The County of Washington v. Abbott Laboratories, Inc., et al.
NYN 1 05-422	County of Rensselaer v. Abbott Laboratories, Inc., et al.
NYN 1 05-425	County of Albany v. Abbott Laboratories, Inc., et al.
NYN 1 05-468	County of Warren v. Abbott Laboratories, Inc., et al.
NYN 1 05-474	County of Greene v. Abbott Laboratories, Inc., et al.
NYN 1 05-478	County of Saratoga v. Abbott Laboratories, Inc., et al.
NYN 3 05-354	County of Chenango v. Abbott Laboratories, Inc., et al.
NYN 3 05-456	The County of Broome v. Abbott Laboratories, Inc., et al.
NYN 5 05-397	County of Tompkins v. Abbott Laboratories, Inc., et al.
NYN 5 05-423	County of Cayuga v. Abbott Laboratories, Inc., et al.
NYN 6 05-415	County of Herkimer, New York v. Abbott Laboratories, Inc., et al.
NYN 6 05-489	County of Oneida v. Abbott Laboratories, Inc., et al.
NYN 7 05-479	County of Saint Lawrence v. Abbott Laboratories, Inc., et al.
NEW YORK WESTERN	
NYW 1 05-214	County of Chautaugua v. Abbatt of Laboratorias Inc. et al.
NYW 1 05-214 NYW 1 05-236	County of Chautauqua v. Abbott of Laboratories, Inc., et al.
NYW 1 05-256	County of Allegany v. Abbott Laboratories, Inc., et al.
	County of Cattaraugus v. Abbott Laboratories, Inc., et al.
NYW 1 05-259	County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05
NYW 6 05-6138	County of Wayne v. Abbott Laboratories, et al.
NYW 6 05-6148	County of Monroe v. Abbott Laboratories, Inc., et al.
NYW 6 05-6172	County of Yates v. Abbott Laboratories, Inc., et al.

MWP, STAYED

# U.S. DISTRICT COURT WESTERN DISTRICT OF NEW YORK [LIVE] (Rochester) CIVIL DOCKET FOR CASE #: 6:05-cv-06172-MAT

The County of Yates v. Abbott Laboratories, Inc. et al

Assigned to: Hon. Michael A. Telesca Related Case: 1:05-cv-00214-MAT Cause: 28:1331 Fed. Question Date Filed: 04/14/2005 Jury Demand: Plaintiff

Nature of Suit: 890 Other Statutory

Actions

Jurisdiction: Federal Question

#### **Plaintiff**

The County of Yates

#### represented by Aaron D. Hovan

Kirby McInerney & Squire, LLP 830 Third Avenue Suite 10 New York, NY 10022 212-371-6600 Fax: 212-751-2540 Email: ahovan@kmslaw.com

LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### Joanne M. Cicala

Kirby McInerney & Squire, LLP 830 Third Avenue Suite 10 New York, NY 10022 212-371-6600 Fax: 212-751-2540 Email: jcicala@kmslaw.com LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

#### Defendant

Abbott Laboratories, Inc.

#### Defendant

Alcon Laboratories, Inc.

#### **Defendant**

Allergan, Inc.

# **Defendant**

Alpharma, Inc.

#### **Defendant**

Purepac Pharmaceutical Co.

#### **Defendant**

Amgen, Inc.

#### **Defendant**

**Immunex Corporation** 

#### **Defendant**

**Andrx Corporation** 

#### **Defendant**

AstraZenenca Pharmaceuticals L.P.

#### **Defendant**

Aventis Pharmaceuticals, Inc.

#### **Defendant**

Dermik Laboratories, Inc.

#### **Defendant**

Barr Laboratories, Inc.

#### **Defendant**

**Bayer Corporation** 

#### **Defendant**

Biovail Pharmaceuticals, Inc.

#### **Defendant**

**Bristol-Meyers Squibb Company** 

#### **Defendant**

**Oncology Therapeutics Network Cor.** 

#### **Defendant**

Ben Venue Laboratories, Inc.

#### **Defendant**

**Boehringer Ingelheim** 

Pharmaceuticals, Inc.



# **Defendant**

Eli Lilly and Company

#### **Defendant**

Endo Pharmaceuticals, Inc.

#### **Defendant**

**Ethex Corporation** 

#### **Defendant**

Forest Laboratories, Inc.

#### **Defendant**

Forest Pharmaceuticals, Inc.

#### **Defendant**

Fujisawa Healthcare, Inc.

#### **Defendant**

Fujisawa USA, Inc.

#### **Defendant**

Genentech, Inc.

#### **Defendant**

**Genzyme Corporation** 

#### Defendant

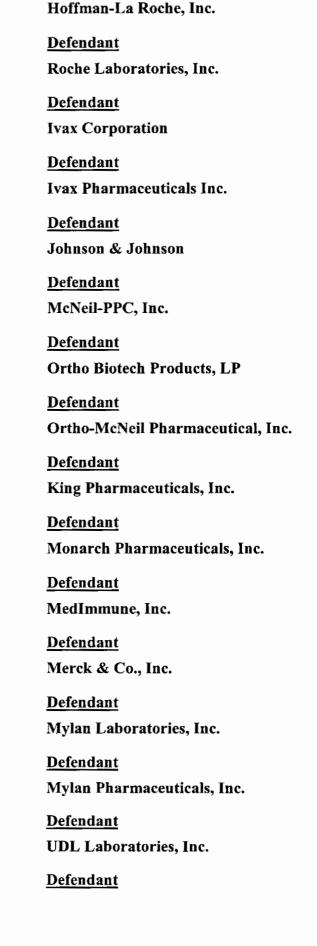
GlaxoSmithKline P.L.C.

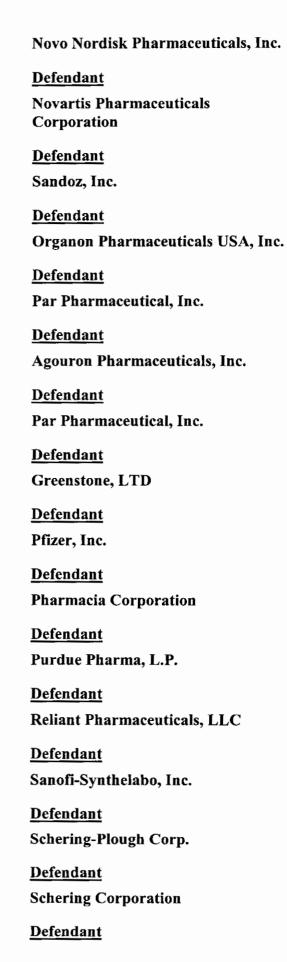
#### Defendant

**Smithkline Beecham Corporation** 

doing business as Glaxosmithkline

#### **Defendant**





Warrick Pharmaceuticals Corporation

**Defendant** 

Takeda Pharmaceuticals North America, Inc.

**Defendant** 

Tap Pharmaceutical Products, Inc.

**Defendant** 

Teva Pharmaceutical USA, Inc.

**Defendant** 

UCB Pharma, Inc.

**Defendant** 

Watson Pharma, Inc.

**Defendant** 

Watson Pharmaceuticals, Inc.

**Defendant** 

Wyeth

**Defendant** 

**Boehringer Ingelheim Corporation** 

**Defendant** 

Janssen Pharmaceutica Products, LP

Date Filed	#	Docket Text
04/13/2005	1	COMPLAINT against all defendants (Filing fee \$ 250 receipt number 65720.), filed by The County of Yates. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(TO, ) (Entered: 04/14/2005)
04/13/2005		Summons Issued as to all defendants (Entered: 04/14/2005)
05/11/2005	2	ORDER REASSIGNING CASE. Case reassigned to Judge Michael A. Telesca for all further proceedings. Judge Charles J. Siragusa no longer assigned to case. Signed by Hon. Richard J. Arcara on 05/11/2005. (Baker, J.) (Entered: 05/11/2005)
05/31/2005	3	ORDER STAYING CASE pending the resolution of the transfer issue by the panel on multidistrict litigation. Signed by Hon. Michael A. Telesca

on 5/31/05. (TO, ) (Entered: 06/02/2005)

#### **PACER Service Center Transaction Receipt** 06/07/2005 16:09:41 **PACER** us2510 Client Code: Login: Docket Search Description: 6:05-cv-06172-MAT Report Criteria: Billable 3 Cost: 0.24 Pages: